

REMARKS/ARGUMENTS:

This Amendment is in response to the Office Action mailed 10/18/2006. By said Action Claims 20-23 and 26-28 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite; Claims 20-22 were rejected under 35 U.S.C. 102(b) as being anticipated by Baust et al. ('682); Claims 20-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Baust et al. ('682); Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Baust et al. ('682) in view of Dobak ('595); Claim 26-27 was rejected under 35 U.S.C. 103(a) as being unpatentable over Baust et al. ('682) in view of Gudkin et al. ('389); and, Claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over Baust et al. ('682) in view of Stern et al. ('248).

Reconsideration and allowance of independent Claim 20 is respectfully requested. In response to the 35 U.S.C. 112, second paragraph, rejection, Applicants strongly assert that the term "near a critical point" is a non-ambiguous, definite term to those skilled in the art. There are many references to "near a critical point", "near critical" or "critical region" in the literature. Such examples may be found in, for example, the book entitled "Cryogenic Heat Transfer", by Randall F. Barron. Attached hereto are copies of the front cover, title pages, portions of the table of contents, the first page of Chapter 3 (page 97), a portion of page 129, and a portion of page 130 of this reference.

Another example of the use of these terms is in the book "Supercritical Fluid Technology in Materials Science and Engineering" by Ya-Ping Sun. Attached hereto are copies of the front cover, title page, page 1, and page 26 of this reference.

Another example of the use of these terms is in the book "Supercritical Fluids" by Y. Arai, et al. Attached hereto are copies of the front cover, title page, a portion of the first page of chapter 3, page 161, and a portion of page 199. Applicants can forward additional references upon request of the Examiner.

The concept is the same in all of these references. This is the region where the liquid-vapor system is in its critical phase, meaning that the fluctuations of the liquid and vapor phases are large compared to the liquid phase fraction in steady state, so there is effectively no latent heat cooling, and effectively infinite heat capacity.

In response to the rejection of Claim 20 as being anticipated or rendered obvious by Baust et al., applicants emphasize that what Baust identifies as a "critical point" is different from the critical point of the phase diagram, i.e. as defined in Claim 20 as amended in the last Amendment. That is, Baust et al are operating at a "critical point of mass flow" - a parameter that is specific to each particular cooling device and doesn't have a "universal" meaning of a critical point of the phase diagram. Baust et al detail the problems of evaporative cooling, and maintaining flow from the boiling of nitrogen and the pressure increases at the liquid-vapor interface. This actually teaches away from the present applicants' claim limitation that describes operation in a completely different region of the phase diagram and illustrates the disadvantages of the prior art that are avoided by operating in a such a near critical region of the phase diagram where there is no well defined liquid or gas. Claim 20 is therefore deemed to be in allowable condition.

Reconsideration and allowance of dependent Claims 21-28 is respectfully requested. These claims depend ultimately from Claim 20 and include the limitations of Claim 20. They are also therefore deemed to be in allowable condition.

In view of the foregoing Amendment and remarks, it is respectfully urged that all pending claims are in condition for allowance, and such action as well as passage of this case to issue is respectfully requested.

If the Examiner has any further questions, or believes that a telephone interview would be helpful to the advancement of the prosecution of the subject application, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

/Lawrence N. Ginsberg/

1/10/07

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